

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DONALD HERBOLSHEIMER,

Defendant.

8:11CR63

ORDER

This matter is before the court on the government's motion to continue trial [37] due to counsel's scheduling conflict. The defendant has no objection to the continuance.

IT IS ORDERED that the motion to continue trial is granted, as follows:

1. The jury trial now set for August 9, 2011 is continued to **September 20, 2011**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 9, 2011 and September 20, 2011**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED July 11, 2011.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge